IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 10487 of 2004(W)

PETITIONER:

K.VENUGOPALAN NAIR, LIFT OPERATOR,
ADMINISTRATIVE SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.S.B.JAYACHANDRAN

RESPONDENTS:
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1. KERALA STATE REPRESENTED BY CHIEF SECRETARY, GOVERNMENT OF KERALA, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY, GENERAL ADMINISTRATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. K.SUKUMARAN NAIR, LIFT OPERATOR, ADMINISTRATIVE SECRETARIAT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.V.T.K.MOHANAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C.NO.10487/2004

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF RELEVANT PAGES OF SENIORITY LIST DT. 1.8.1988.

EXT.P2 : COPY OF THE SPECIAL RULES FOR KERALA SUBORDINATE SERVICES ISSUED ON 2.1.1961.

EXT.P3 : COPY OF THE CIRCULAR DT. 15.10.2003 ISSUED BY THE FIRST RESPONDENT.

EXT.P4 : COPY OF THE SENIORITY LIST OF LIFT OPERATORS AS ON 1.1.2003.

EXT.P5 : COPY OF THE G.O. DT. 3.3.2004 ISSUED BY THE FIRST RESPONDENT.

EXT.P6 COPY OF THE ORDER DT. 4.9.1997 ISSUED BY THE FIRST RESPONDENT.

RESPONDENTS' EXHIBITS :
EXT.R1A TRUE COPY OF THE GO(MS) NO.102/83/GAD DT. 6.5.1983.

EXT.R1B TRUE COPY OF THE GO(RT) NO.7942/89/GAD DT. 5.10.1989.

EXT.R1C TRUE COPY OF THE GO(RT) NO.5668/96/GAD DT. 1.7.1996,.

EXT.R1D TRUE COPY OF THE GOVERNMENT ORDER DT. 30.7.1996.

EXT.R1E TRUE COPY OF THE CIRCULAR DT. 15.10.2003.

EXT.R1F TRUE COPY OF THE PROVISIONAL LIST DURING 1996.

TGS

KURIAN JOSEPH J.

W.P.(C) No.10487 of 2004

Dated 17th August, 2007.

J U D G M E N T

Petitioner is aggrieved since in the seniority list of Lift Operators, his name is shown as junior to the third respondent. In the counter affidavit, it is stated that in the seniority list of Peons published in 1988, the petitioner was numbered as 213 and the third respondent was 301. It is however admitted in the counter affidavit that the select list of Lift Operators is prepared based on the seniority list of incumbents in the last grade service. Why the third respondent is shown as senior to the petitioner is not known. It is further stated that the petitioner happened to be shown as junior to the third respondent 22 years back and the petitioner had not raised any objection when Exts.R1(a), R1(b) and R1(c) seniority lists were published. According to the petitioner, against Ext.P3, he had submitted his objections. But Ext.P3 provisional seniority list was preceded by three other lists. Thus the seniority position between the petitioner and the third respondent was settled two decades back and hence the same cannot be reopened pursuant to Ext.P3.

Therefore, there is no merit in the writ petition. It is dismissed.

KURIAN JOSEPH, JUDGE.

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